

STATE OF NEW YORK

9060

IN SENATE

October 21, 2020

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to medical records software and quality software management systems restrictions and prohibitions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section 25
2 to read as follows:

3 § 25. Medical records software and quality software management systems
4 restrictions and prohibitions. No medical records software or quality
5 software management systems shall permit:

6 1. falsification of a medical record, medical procedure or other live
7 file in any health care facility by logging in as another user and doing
8 activity under the other user's profile;

9 2. importing medical procedures that could create a false date history
10 of when such procedure was uploaded and/or approved and by whom;

11 3. backdating of any records or the altering of real-time, computer-
12 generated time stamps;

13 4. merging user profiles that could obscure user identities by assign-
14 ing logged activities of one user account to another;

15 5. displaying user passwords in plain text to any other person except
16 the user;

17 6. importing any document requiring medical director approval without
18 the express approval of a medical director;

19 7. importing any document or procedure without the oversight of at
20 least one other registered user;

21 8. importing files from one system to another without a new system
22 generated time-stamped review and approval; and

23 9. historically altering procedures to imply that a medical director
24 conducted mandated periodic reviews when such person did not.

25 § 2. This act shall take effect on the one hundred twentieth day after
26 it shall have become a law. Effective immediately, the addition, amend-
27 ment and/or repeal of any rule or regulation necessary for the implemen-
28 tation of this act on its effective date are authorized to be made and
29 completed on or before such effective date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD17497-02-0